

Zimbra

april@aprilhollingsworthlaw.com

RE: Acceptance of Service, Barras v. FAL, et al**From :** Victoria Bunch Finlinson <VBF@clydesnow.com>

Thu, Apr 23, 2020 04:56 PM

Subject : RE: Acceptance of Service, Barras v. FAL, et al**To :** 'April Hollingsworth' <april@aprilhollingsworthlaw.com>**Cc :** Katie Panzer <katie@aprilhollingsworthlaw.com>

April:

First, I did represent the company that owned the Coco Joy IP before it was dissolved and the assets were sold to a wholly separate company. I have never represented the current Coco Joy company or its parent company that you have named in the lawsuit.

Second, as I explained in my prior email, we thought we did represent Nobletree, Inc., but in fact, no such company exists. FAL Coffee, Inc. was planning on changing its name to Nobletree but that name change did not occur and we mistakenly were informed that it had occurred. Accordingly, when we stated that we represent Nobletree, Inc., we meant to say that we represent FAL Coffee, Inc. and have made that clear.

I will certainly oppose any motion for me to accept service on behalf of parties I do not represent or that do not exist, namely Nobletree and Coco Joy. Again, there was confusion. I am sure you can track down the registered agent for Coco Joy by reaching out to Duane Nufer.

Torie B. Finlinson

ClydeSnow

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From: April Hollingsworth <april@aprilhollingsworthlaw.com>**Sent:** Wednesday, April 22, 2020 5:17 PM**To:** Victoria Bunch Finlinson <VBF@clydesnow.com>**Cc:** Katie Panzer <katie@aprilhollingsworthlaw.com>**Subject:** Re: Acceptance of Service, Barras v. FAL, et al

Torie,

EXHIBIT 1

Thanks for this. We have amended the complaint to add FAL Coffee, Inc., so I have attached an acceptance of service form along with the amended complaint.

But I am still confused. In addition to the acceptance docs, I have also attached 1) a voicemail we received from you last summer stating that you were representing Coco Joy; 2) the response to Ms. Barras's Charge, which indicates you were representing Nobletree Coffee, Inc.; and 3) the email you sent us in January stating you would accept service on behalf of Nobletree Coffee, Inc. only. I'm obviously going to have to inform the court of all these correspondences in our motion, so let me know by Friday if this changes anything.

Thanks,
April

From: "vbf" <VBF@clydesnow.com>
To: "April Hollingsworth" <april@aprilhollingsworthlaw.com>
Cc: "Katie Panzer" <katie@aprilhollingsworthlaw.com>
Sent: Tuesday, April 21, 2020 3:03:40 PM
Subject: RE: Acceptance of Service, Barras v. FAL, et al

Hi April,

I can appreciate your confusion as we have been somewhat confused as to Nobletree Coffee SLC and Nobletree Coffee, Inc. We have never and do not currently represent Coco Joy, FAL Foods USA, or Nobletree Coffee, Inc. It was previously our understanding that FAL Coffee, Inc. had changed its name to Nobletree Coffee, Inc. Our understanding was not correct and that name change never occurred. Therefore, because Nobletree Coffee, Inc. does not officially exist, we cannot accept service. If you decide to amend your complaint to add FAL Coffee, Inc., we will ask our client if they will accept service.

Duane Nufer has no current relation to FAL Food & Beverages, LLC, but I do believe he is involved with Coco Joy. I have no idea whether he is the registered agent for that company. Randall George is involved with FAL Food & Beverages, LLC, so no communication should be directed to him.

Long story short— This is not gamesmanship, but rather a result of some confusion as to whether planned name changes were made and the sale/shutting down of relevant entities. We can only accept service on behalf of FAL Food & Beverages, LLC and if you are seeking to sue the parent company of Nobletree SLC, it is my understanding that is FAL Coffee, Inc. I will oppose any motion seeking to serve me for companies which I have never represented.

I hope this is helpful.

Torie B. Finlinson

ClydeSnow

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From: April Hollingsworth <april@aprilhollingsworthlaw.com>

Sent: Tuesday, April 21, 2020 12:12 PM

To: Victoria Bunch Finlinson <VBF@clydesnow.com>

Cc: Katie Panzer <katie@aprilhollingsworthlaw.com>

Subject: Re: Acceptance of Service, Barras v. FAL, et al

Hi Torie.

I have a few questions. First, can you let me know if there is a person coming in to the office at 4709 W. Daybreak Pkwy in South Jordan that can accept service on behalf of Coco Joy and Nobletree? I am assuming not, and it seems that process servers and people being served should be abiding by the 6-foot rule right now, so that would make the normal personal service impossible. But if there is someone in the office, perhaps the process server has a solution. Otherwise, I am planning to file a motion to allow service by electronic mail, pursuant to URCP 4(d)(5).

That being the case, I also need to know who to serve. The most recent information we have is that Duane Nufer was the registered agent for FAL F&B, Nobletree and Coco Joy, but please let me know if there is someone else we need to serve for Coco Joy and Nobletree. I have to say that since you have previously represented Coco Joy and Nobletree in this matter, which was located at the same address and have several of the same principals as FAL F&B (Duane Nufer and Randall George), your clients' or former clients' refusal to allow you to accept service on their behalf now feels a bit like gamesmanship, particularly since your first email to me after the complaint was filed stated that you could accept on behalf of Nobletree only. Under the rules of professional conduct, I obviously cannot directly contact Mr. Nufer or Mr. George or anyone else related to FAL F&B who is being represented by you in this matter. So unless there is someone other than Mr. Nufer and Mr. George that is the agent for Coco Joy and Nobletree, and who is unrelated to FAL F&B, I will ask the court to allow us to serve those companies via email to you, as that would be a "means reasonably calculated . . . to apprise the named parties of the action." So all this to say, please let me know who the registered agent of those companies is.

I intend to get a motion filed by this Friday, April 24, so please get back to me by then.

Thanks,
April

From: "vbf" <VBF@clydesnow.com>

To: "April Hollingsworth" <april@aprilhollingsworthlaw.com>

Cc: "Katie Panzer" <katie@aprilhollingsworthlaw.com>

Sent: Monday, April 20, 2020 1:10:07 PM

Subject: RE: Acceptance of Service, Barras v. FAL, et al

Hi April,

Interestingly enough, I was writing you this email at the same time you were leaving me a voicemail. Please see attached for a signed Acceptance of Service on behalf of FAL Food & Beverages, LLC.

Torie B. Finlinson

ClydeSnow

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From: April Hollingsworth <april@aprilhollingsworthlaw.com>

Sent: Tuesday, April 14, 2020 3:35 PM

To: Victoria Bunch Finlinson <VBF@clydesnow.com>

Cc: Katie Panzer <katie@aprilhollingsworthlaw.com>

Subject: Acceptance of Service, Barras v. FAL, et al

Hi Torie.

Attached is the acceptance of service for FAL F&B that we corresponded about a couple of months ago, as well as the amended complaint and summons. I have attached the acceptance form in word and pdf, in case it is easier for you to sign in word. Please sign and return to us as soon as possible, and let us know if you have any questions or concerns.

Thanks,

April

April L. Hollingsworth
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